

D. Alexander  
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4/9/03

PATENT

ATTORNEY DOCKET NO. 044170-5034



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

R. Sam Niedbala et al.

Serial No.: 09/997,023 ✓

Filed: November 30, 2001

For: SAMPLE COLLECTOR AND TEST DEVICE

) Confirmation No. 6134

) Art Unit: 1743

) Examiner: L. Alexander

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed March 17, 2003, the period for reply to which extends through April 17, 2003, Applicants hereby provisionally select the invention identified in the Office Action as Group I (claims 1-25, 46-52 and 64-67) without traverse. Of course, Applicants preserve the right to pursue the non-elected inventions in one or more divisional applications.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

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Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
James L. Reed  
Reg. No. 43,877

Dated: April 3, 2003

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